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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No. 08-0164 MHP
)	
Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER EXCLUDING TIME, SETTING
v.)	TRIAL AND PRE-TRIAL DATES, AND
)	UNSEALING APRIL 15, 2009
W. SCOTT HARKONEN,)	MEMORANDUM AND ORDER
)	DENYING MOTION TO DISMISS THE
Defendant.)	INDICTMENT

On April 20, 2009, the parties in this case appeared before the Honorable District Court Judge Marilyn H. Patel for further status conference.

At the conference, both parties stated that they had no objection to the Court unsealing the April 15, 2009 Memorandum and Order Denying Motion to Dismiss the Indictment.

STIPULATION AND [PROPOSED] ORDER
EXCLUDING TIME AND SETTING DATES
CR 08-0164 MHP

1 Upon Defendant W. Scott Harkonen's motion, the Court continued the trial from
 2 June 23, 2009 to July 14, 2009. The parties stipulated that time should be excluded from
 3 the Speedy Trial Act calculations from June 23, 2009 to July 14, 2009, for effective
 4 preparation of counsel given the complexity of the case, nature of the prosecution, and
 5 voluminous discovery, taking into account the exercise of due diligence. See 18 U.S.C. §
 6 3161(h)(7)(A) and (B)(iv).

7 The pretrial conference was continued to June 24, 2009, at 2:30 p.m. The parties
 8 were ordered to file the following on or before June 10, 2009:

- 9 • Motions in Limine in one omnibus motion
- 10 • Proposed Voir dire
- 11 • Proposed Jury Instructions
- 12 • Joint Pretrial Statement
- 13 • Trial Brief if either party believes there are significant legal issues outstanding
- 14 • Final List of Witnesses and Exhibits

15 In addition, the parties now stipulate that expert witness disclosures, previously set
 16 for May 11, 2009, now be due on May 26, 2009. The parties further stipulate that the due
 17 date for the preliminary witness and exhibit lists shall be continued from May 15, 2009 to
 18 May 29, 2009.

19 SO STIPULATED:

20 BRIAN J. STRETCH
 21 Acting United States Attorney

22 DATED: April 20, 2009

23 _____/s/
 24 IOANA PETROU
 Assistant United States Attorney

25 DATED: April 20, 2009

26 _____/s/
 27 WILLIAM M. GOODMAN
 Attorney for W. Scott Harkonen

28 STIPULATION AND [PROPOSED] ORDER
 EXCLUDING TIME AND SETTING DATES
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With no objection heard from either party, the Court's April 15, 2009 Memorandum and Order Denying Motion to Dismiss the Indictment is hereby immediately unsealed and the Clerk of the Court is hereby ordered to unseal the Memorandum and Order.

As the Court found on April 20, 2009, and for the reasons stated above, the Court finds that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial and that time should be excluded from the Speedy Trial Act calculations from June 23, 2009 to July 14, 2009 for effective preparation of counsel. See 18 U.S.C. §3161(h)(7)(A) and (B)(iv).

In addition, the following dates are set:

- The trial of this matter is continued to July 14, 2009.
- The pretrial conference is continued to June 24, 2009 at 2:30 p.m.
- Expert witness disclosures are due on May 25, 2009.
- Preliminary witness and exhibit lists are due on May 29, 2009.
- The following are due on June 10, 2009:
 - Motions in Limine in one omnibus motion
 - Proposed Voir dire
 - Proposed Jury Instructions
 - Joint Pretrial Statement
 - Trial Brief if either party believes there are significant legal issues outstanding
 - Final List of Witnesses and Exhibits

Any oppositions or responses to the filings due on June 10, 2009 are due on June 17, 2009 and any reply briefs are due on June 22, 2009.

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STIPULATION AND [PROPOSED] ORDER
EXCLUDING TIME AND SETTING DATES
CR 08-0164 MHP



1 SO ORDERED.

2
3 DATED: _____

4 Honorable Marilyn H. Patel
District Court Judge

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STIPULATION AND [PROPOSED] ORDER
EXCLUDING TIME AND SETTING DATES
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